

# **EXHIBIT A**

SUM-100

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

HOME DEPOT U.S.A. INC., a Delaware corporation, and DOES 1 - 50

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Lee MANGANO, an individual

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

E-FILED  
8/13/2020 3:38 PM  
Clerk of Court  
Superior Court of CA,  
County of Santa Clara  
20CV369449  
Reviewed By: L Del Mundo  
Envelope: 4761590

NOTICE: You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

191 N. First Street, San Jose, CA 95113

CASE NUMBER: (Número del Caso):

20CV369449

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Omair M. Farooqui, Esq., 1023 Corporation Way, 2nd Floor, Palo Alto, CA 94303; 408-579-1281

DATE: 8/13/2020 3:38 PM

Clerk of Court

Clerk, by

L Del Mundo

Deputy

(Fecha)

(Secretario)

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]



### NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): Home Depot U.S.A. Inc.  
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
- ☐ by personal delivery on (date)

Page 1 of 1

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1 Omair M. Farooqui (SBN 207090)  
2 Palo Alto Legal Group, PC  
3 1023 Corporation Way, 2<sup>nd</sup> Floor  
4 Palo Alto, California 94303  
Telephone: (408) 579-1281  
Facsimile: (408) 886-9468

5 Attorneys for Plaintiff LEE MANGANO

6  
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **COUNTY OF SANTA CLARA**

9 LEE MANGANO, an individual,

Case No: 20CV369449

10 Plaintiff,

11 vs.

**COMPLAINT FOR DAMAGES**

12 HOME DEPOT U.S.A. INC., a Delaware  
13 corporation, and DOES 1-50,

14 Defendant.

15  
16 Plaintiff LEE MANGANO ("MANGANO" or "Plaintiff") alleges:

17 **PRELIMINARY ALLEGATIONS/JURY TRIAL DEMANDED**

18 1. These preliminary allegations are applicable to all causes of action herein and  
19 are incorporated by reference into said causes of action.

20 2. Plaintiff MANGANO hereby demands a trial by jury on all claims.

21 **JURISDICTION AND VENUE**

22 3. The Court has personal jurisdiction over Defendant HOME DEPOT U.S.A.  
23 INC, because it is a resident of and/or is doing business in Santa Clara County, California.

24 4. Venue is proper in this county in accordance with CCP §395(a) because upon  
25 information and belief, Defendant HOME DEPOT U.S.A. INC., a Delaware corporation, has  
addresses in Santa Clara County and conducts business in Santa Clara County. The injuries

1 sustained by Plaintiff MANGANO and the acts and omissions complained of in this  
2 Complaint took place in Santa Clara County.

3 **PARTIES**

4 5. Plaintiff MANGANO is an individual who, at all times during the events  
5 alleged in this Complaint, resides in San Jose, California.

6 6. Upon information and belief, Defendant HOME DEPOT U.S.A. INC.  
7 ("HOME DEPOT") is located and conducts business at 480 E. Hamilton Avenue, Campbell,  
8 California 95008. Upon information and belief, Defendant HOME DEPOT is a home  
9 improvement retailer supplying tools and consumer related products and offers home  
improvement services to the general public.

10 7. The true names or capacities, whether individual, corporate, associate, or  
11 otherwise, of Defendants DOES 1 through 50, and the manner in which they are responsible  
12 for damages herein are unknown to Plaintiff MANGANO, who therefore sues said  
13 Defendants by such fictitious names. Plaintiff MANGANO prays leave to amend this  
14 Complaint to show their true names and capacities and the manner in which they are  
15 responsible when the same have been ascertained. Plaintiff MANGANO is informed and  
16 believes, and based thereon alleges, that each Defendant is negligently or otherwise legally  
17 responsible and liable for injuries and damages caused thereby to Plaintiff MANGANO. All  
18 things herein alleged to have been done by any specifically named Defendant, have also been  
19 done by all other Defendants including without limitation, Defendants designated by  
fictitious names.

20 8. At all times herein relevant, HOME DEPOT and Does 1 through 50,  
21 inclusive, maintained and operated a home improvement retail facility at 480 E. Hamilton  
22 Avenue, Campbell, California (hereinafter the "Premises"), wherein it invited members of  
23 the general public to enter the Premises and purchase the goods and services offered therein.

24 9. At all times herein relevant, HOME DEPOT and Does 1 through 50,  
25 inclusive, were responsible for maintaining the Premises in a safe and clean manner.

1           10. Plaintiff is informed and believes, and thereon alleges that Does 31 through  
2 50, inclusive, were, at all times herein relevant, the owners of the Premises.

3           11. At all times herein mentioned each of the said Defendants were joint venturers  
4 with, or agent, servant or employee of, the other Defendants or was otherwise related to or  
5 acting for or on behalf of the other Defendants. Each is bound by or responsible for the acts  
6 of the others. Said relationships between Defendants were and are created by agreement, by  
7 ratification, by ostensible authority, or otherwise. This paragraph is not a limitation on the  
8 manner in which said relationships were created as a matter of fact or as a matter of law. At  
9 all times herein mentioned each Defendant was acting and acted within the course and scope  
10 of his or her joint venture, agency, service, employment, and authority (actual, inherent,  
11 implied, ostensible, or otherwise). Each Defendant was acting with the knowledge and  
12 consent or ratification of his or her principal and employer under such circumstances and  
conditions as to give rise to the principal's and employer's responsibility for such acts.

13                               **FIRST CAUSE OF ACTION**  
14                               **(Negligence – Against All Defendants)**

15           12. By this reference, Paragraphs 1 through 12 of this Complaint are fully  
16 incorporated as if each and every one of these paragraphs was set forth here in its entirety.

17           13. On or about August 16, 2018, Plaintiff was lawfully in and about the Premises  
18 as an invitee of Defendants and each of them.

19           14. On or about August 16, 2018, Defendants, and each of them, so negligently,  
20 carelessly and unlawfully maintained the Premises as to allow the presence of a foreign  
21 substance, such as, for example, grease and other material to accumulate in the area around  
Aisle 10 within the Premises.

22           15. On or about August 16, 2018, as a direct result of the negligence of  
23 Defendants, and each of them, as hereinabove alleged, Plaintiff, while walking in the area  
24 around Aisle 10, stepped in an area which had been slickened by the material alleged  
25 hereinabove, and slipped and fell as a direct result thereof.

1           16. As a direct result of the slip and fall, Plaintiff sustained severe physical and  
2 emotional injuries, including, but not limited to, injuries to her hand, elbow, shoulder, back,  
3 hip, jaw and head, all to her general damages in an amount in excess of the maximum  
4 jurisdictional amount of this Court according to proof at the time of trial.

5           17. As a further direct result of the slip and fall accident, Plaintiff has incurred  
6 medical and health care related expenses, and will continued to incur such expenses in the  
7 future, all to her damage in the amount as yet unascertained, according to proof at the time of  
8 trial.

9           18. As a direct result of the slip and fall, Plaintiff was unable to pursue her normal  
10 trade and occupation. As a direct result, Plaintiff has lost substantial earnings, and will  
11 continue in the future to lose earnings and has a loss of earnings capacity, all to her general  
12 damage in an amount according to proof at the time of trial.

13                               **SECOND CAUSE OF ACTION**  
14                               **(Negligence Per Se – Against All Defendants)**

15           19. By this reference, Paragraphs 1 through 18 of this Complaint are fully  
16 incorporated as if each and every one of these paragraphs was set forth here in its entirety.

17           20. On or about August 16, 2018, Defendants, and each of them, allowed the  
18 presence of a foreign substance, such as, for example, grease and other material to  
19 accumulate in the area around Aisle 10 within the Premises. As a result, Defendants, and  
20 each of them, were in violation of state and local statute(s), ordinance(s), regulation(s),  
21 law(s), and code(s), including, but not limited to, Health and Safety Code, OSHA safety  
22 regulations, California Building Code, and California Code of Regulations, governing the  
23 operation, maintenance, supervision, control, and/or management of said Premises.  
24 Defendants, and each of them were negligent per se pursuant to the aforesaid authority.

25           21. On or about August 16, 2018, as a direct result of the aforesaid code violations  
of the Defendants, and each of them, as hereinabove alleged, Plaintiff MANGANO, while  
walking in the area around Aisle 10 of the Premises, stepped in an area which had been  
slickened by the material alleged hereinabove, and slipped and fell as a direct result thereof.

1       22.     At the time of the slip and fall, Plaintiff MANGANO was a member and/or  
2 guest of Defendants and belonged to the class of persons for whom the aforementioned  
3 statutory authority was adopted to protect. Further, her injuries were, and are, of the kind that  
4 the aforementioned statutory authority were designed to prevent.

5       23.     As a direct result of the slip and fall, Plaintiff MANGANO sustained physical  
6 and emotional injuries.

7       24.     Plaintiff MANGANO was reasonably required to and did incur and continues  
8 to incur medical and incidental expenses for the examination, treatment, and care of the  
9 injuries suffered during the slip and fall. Moreover, as a proximate result of the slip and fall,  
10 Plaintiff MANGANO has and continues to suffer loss of income and loss of earnings. The  
11 current extent of the special and general damages incurred by Plaintiff MANGANO is  
12 unknown at this time, To be stated on "Notice of Damages" to be submitted pursuant to Code  
of Civil Procedure §415.11 if requested, and according to proof at trial.

13                   **THIRD CAUSE OF ACTION**  
14                   **(Premises Liability- Against All Defendants)**

15       25.     By this reference, Paragraphs 1 through 24 of this Complaint are fully  
16 incorporated as if each and every one of these paragraphs was set forth here in its entirety.

17       26.     At all relevant times, Plaintiff MANGANO is informed and believes, and  
18 thereon alleges, that the Premises, including the interiors, was and is owned, maintained,  
operated, repaired, supervised, managed, leased, occupied, and/or controlled by Defendants.

19       At all relevant times, Defendants, and each of them, retained control over the safety  
20 conditions of the Premises at issue.

21       27.     At all times mentioned in this Complaint, Defendants, and each of them owed  
22 a duty to the invitees, guests, and/or those it could have foreseen would be exposed to a risk  
23 of harm to use ordinary care in providing safe and hazard-free premises and protecting  
24 against unreasonable and/or dangerous conditions.



1           28.     Despite the duties owed by the Defendants and each of them, they breached  
2 the duty and were negligent in managing, operating, maintaining, inspecting, restoring,  
3 occupying and/or controlling the Premises. Defendants knew or should have known, or  
4 through the exercise of ordinary care should have discovered the dangerous condition, the  
5 presence of a foreign substance, such as, for example, grease and other material to  
6 accumulate in the area around Aisle 10 within the Premises, that created the risk of harm.

7           29.     Because of Defendants' status as owners, maintainers, operators, repairers,  
8 supervisors, managers, lessors, lessees, occupiers, and/or controllers of the Premises,  
9 Defendants, and each of them, are responsible for the dangerous and defective property  
10 conditions which existed upon their Premises. Defendants' negligent exercise of their  
11 retained control over the safety conditions was a substantial factor in causing Plaintiff  
MANGANO's harm.

12           30.     As a proximate result of the carelessness and negligence of Defendants, and  
13 each of them, the above-described injury was caused to Plaintiff MANGANO in her health,  
14 strength and activity, and sustained physical and emotional injuries.

15           31.     As a proximate result of the carelessness and negligence of Defendants and as  
16 a direct result of the slip and fall, Plaintiff sustained severe physical and emotional injuries,  
17 including, but not limited to, injuries to her hand, elbow, shoulder, back, hip, jaw and head,  
18 all to her general damages in an amount in excess of the maximum jurisdictional amount of  
this Court according to proof at the time of trial.

19           32.     As a proximate result of the carelessness and negligence of Defendants and as  
20 a further direct result of the slip and fall accident, Plaintiff has incurred medical and health  
21 care related expenses, and will continued to incur such expenses in the future, all to its  
22 damage in the amount as yet unascertained, according to proof at the time of trial.

23           33.     As a proximate result of the carelessness and negligence of Defendants and as  
24 a direct result of the slip and fall, Plaintiff was unable to pursue her normal trade and  
25 occupation. As a direct result, Plaintiff has lost substantial earnings, and will continue in the



1 future to lose earnings and has a loss of earnings capacity, all to her general damage in an  
2 amount according to proof at the time of trial.

3 **FOURTH CAUSE OF ACTION**  
4 **(Negligent Infliction of Emotional Distress – Against All Defendants)**

5 34. By this reference, Paragraphs 1 through 33 of this Complaint are fully  
6 incorporated as if each and every one of these paragraphs was set forth here in its entirety.

7 35. As the proximate and direct result of the slip and fall at the Premises on or  
8 about August 16, 2018, Plaintiff sustained severe bodily injuries. Plaintiff endured great pain  
9 and suffering as proximate and direct result of Defendants' negligence.

10 36. Defendants' conduct, and that of each of them, as herein alleged was done  
11 with negligence and with reckless disregard for the rights of Plaintiff and subjected Plaintiff  
12 to pain and suffering and personal injury and unjust hardship and caused Plaintiff to suffer  
13 acute mental anguish, nervousness, and emotional and physical distress.

14 37. As a proximate and legal result of Defendants' conduct, and that of each of  
15 them, Plaintiff suffered physical pain and suffering, mental anguish, apprehension,  
16 nervousness, and emotional and physical distress, and has been injured in mind and body all  
17 to Plaintiffs damage in a sum within the jurisdiction of this court.

18 38. As a proximate and legal result of the aforementioned reckless conduct of  
19 Defendants, and that of each of them, Plaintiff suffered anxiety, worry, mental and emotional  
20 and physical distress, general damages and incidental and consequential damages and  
21 expenses in excess of the minimum-jurisdictional amount of this Court.

22 39. Defendants, and each of them, acted recklessly with full knowledge that  
23 serious injury to Plaintiff was a probable result of their actions. In so acting, Defendants, and  
24 each of them, recklessly disregarded the possible and probable consequences of their actions  
25 and the rights of Plaintiff, with the full knowledge of the probable consequences of their  
actions.

**DAMAGES**

40. Plaintiff MANGANO has suffered general and special, incidental and consequential damages as the direct and proximate result of the acts and omissions of the Defendants, for which damages shall be fully proven at the time of trial, including, but not limited to, damages for loss of enjoyment of life, both past and future; medical and medical related expenses, both past and future; wage and economic loss, past and future; emotional distress, and future emotional distress; medical and pharmaceutical expenses, past and future; and other ordinary, incidental and consequential damages as would be anticipated to arise under the circumstances.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff MANGANO prays for judgment against Defendants, and each of them, as follows:

- a. For general damages in an amount in excess of the maximum of jurisdictional amount of this court, according to proof at trial;
- b. For past and future medical expenses according to proof;
- c. For past and future loss of earnings according to proof;
- d. For cost of suit incurred herein;
- e. For interest according to law; and
- f. For such other and further relief as the court deems just and proper.

PALO ALTO LEGAL GROUP, PC



Dated: August 13, 2020


Omair M. Farooqui, Esq.  
Attorneys for Plaintiff Lee Mangano

\* \* \* \* \*

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury.

PALO ALTO LEGAL GROUP, PC



Dated: August 13, 2020

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Omair M. Farooqui, Esq.  
Attorneys for Plaintiff Lee Mangano